

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3615

IN THE MATTER OF:

Served February 26, 1991

Application of TRAILWAYS COMMUTER)
TRANSIT, INC., for Temporary)
Authority)

Case No. AP-91-04

By application filed January 30, 1991, as supplemented February 4, 1991, Trailways Commuter Transit, Inc. (TCT or applicant), seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District for the account of Montgomery County, MD (the County).

Order No. 3605, issued February 4, 1991, and incorporated herein by reference, served notice of the application. By Order No. 3605 a protest date of Thursday, February 14, 1991, was established. No protests were filed.

The application indicates that the proposed transportation represents Route Nos. 3, 4, 10, 14, 18, and 25 and the "MARC Shuttle" of the County's "Ride-On" system. Route No. 3 requires service between Silver Spring [Metro] Station, Silver Spring, MD; Georgia Avenue and Seminary Road, Silver Spring, MD; Dale Drive and Piney Branch Road, Silver Spring, MD; and Takoma Park [Metro] Station, Washington, DC. Route No. 4 requires service between the Grosvenor [Metro] Station, Bethesda, MD; Connecticut and Knowles Avenues, Kensington, MD; Mormon Temple, Stoneybrook Drive, Kensington, MD; Second Avenue and Linden Lane, Silver Spring, MD; and Silver Spring [Metro] Station, Silver Spring, MD. Route No. 10 encompasses service between Northwood, Belton Road and Lockridge Drive, Silver Spring, MD; Dennis Avenue and University Boulevard, Silver Spring, MD; Dennis and Georgia Avenues, Silver Spring, MD; Forest Glen [Metro] Station, Forest Glen, MD; Second Avenue and Linden Lane, Silver Spring, MD; and Silver Spring [Metro] Station, Silver Spring, MD. Route No. 14 entails transportation between Silver Spring [Metro] Station, Silver Spring, MD; Colesville Road and Sligo Creek Parkway, Silver Spring, MD; Franklin Avenue and University Boulevard, Silver Spring, MD; Piney Branch Road and University Boulevard, Silver Spring, MD; and Takoma Park [Metro] Station, Washington, DC. Route No. 18 encompasses service between Langley Park (McCrory's), Prince George's County, MD; Carroll and Flower Avenues, Silver Spring, MD; Takoma Park [Metro] Station, Washington, DC; Montgomery College, Takoma Park, MD; 16th Street and Eastern Avenue, Silver Spring, MD; and Silver Spring [Metro] Station, Silver Spring, MD. Route No. 25 encompasses transportation between Washington Adventist Hospital, Takoma Park, MD; Houston and Roanoke

Avenues, Takoma Park, MD; Maple Avenue and Sligo Creek Parkway, Takoma Park, MD; and Takoma Park [Metro] Station, Washington, DC. The MARC Shuttle transports passengers between MARC Train Station, Blair Mill Road, Silver Spring, MD; East-West Highway and Colesville Road, Silver Spring, MD; Second Avenue and Colesville Road, Silver Spring, MD; Cameron Street (Garage #7), Silver Spring, MD; Fenton and Cameron Streets, Silver Spring, MD; Fenton Street and Pershing Drive, Silver Spring, MD; and MARC Train Station, Georgia Avenue, Silver Spring, MD. The service is scheduled. 1/ The proposed transportation would be conducted using 22 vehicles each having a manufacturer's designed seating capacity of 21 passengers. Four vehicles would be available for backup service. Applicant expects to lease these vehicles. Greyhound Lines, Inc. (Greyhound), currently operates this service pursuant to WMATC Certificate No. 139. 2/

TCT is a Texas corporation that is wholly-owned by Greyhound. Vehicles for the proposed operations will be maintained, garaged, staged, and dispatched from Greyhound's terminal in Northeast Washington, DC. The facility is large (3,420 square feet) and well-equipped, featuring, among other things, five bays, offices, rest rooms, and a drivers' room. The land area around the facility is paved and enclosed with chain link fence, allowing all vehicles to be secured when not in use.

Applicant, through its representative, is familiar with the Compact and the Commission's rules and regulations, including its safety regulations and intends to comply therewith. Applicant further certifies through its representative that there are no proceedings, either concluded or pending, in which it has been found unfit or in which its fitness is under investigation by this Commission or other specified agencies.

1/ Although the proposed service is in the nature of regular route service, its rendering is considered to be irregular route service for regulatory purposes. This is because the regulated carrier, in this case TCT, is performing service as directed by, paid by, and for the exclusive use of a single party, in this case the County.

2/ TCT is wholly owned by Greyhound, and the vehicles proposed to be leased are those currently operated by Greyhound in the service it provides the County pursuant to WMATC Certificate No. 139. Simultaneously with the filing of this application, Greyhound filed an application for approval of a "control relationship." That case has been docketed as Case No. AP-91-06. The Commission has reached no final determination in that case. However, the Commission hereby finds that, based on the record in this case, there is no reason to withhold a grant of this limited application pending approval of the relationship that is the subject of Case No. AP-91-06. This finding is in no way determinative or binding on the ultimate outcome of Case No. AP-91-06.

With its application TCT submitted a balance sheet as of December 31, 1990, an operating statement for the 12 months ended December 31, 1990, and a statement of projected revenues and expenses for 12 months of operations as herein proposed. 3/ Montgomery County filed a copy of the proposed contract.

Applicant's regional general manager, Mr. Johnny Haddock, submitted an affidavit in support of the application. According to TCT's witness, TCT is wholly owned by Greyhound and, by this application, seeks authority to perform service for the County that is similar to that currently being performed by Greyhound pursuant to WMATC Certificate No. 139. During the three years Greyhound has performed the service, approximately 75,000 passengers a month have been transported. According to Mr. Haddock,

[t]he service has made travel within the County convenient and economical and has been used by businessmen, shoppers and tourists. It has resulted in a reduction in the number of automobiles on County roads and, thus, has reduced the demand for energy and has improved the environment and the quality of life in the County.

These benefits can be expected to continue if the application is granted. Greyhound has provided the service pursuant to a contract that expires February 16, 1991. The County wishes to have a replacement carrier in place by that date.

Title II, Article XI, Section 13 of the Compact provides that the Commission may grant an application for temporary authority, without hearing or other proceeding, if it finds that there is an immediate need for the service proposed by the application and that no other carrier service is available to meet that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that there is no other carrier currently available to meet the service need at issue in this application. It is further found, based on the evidence of record in this case, that there is an immediate need for the service described herein and that applicant is fit to provide that service.

3/ By statute, a grant of temporary authority may not exceed 180 days.
See Compact, Title II, Article XI, Section 3.

THEREFORE, IT IS ORDERED:

1. That Trailways Commuter Transit, Inc., is hereby conditionally granted temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers in irregular route operations between points in the Metropolitan District restricted to transportation for the account of Montgomery County, MD.

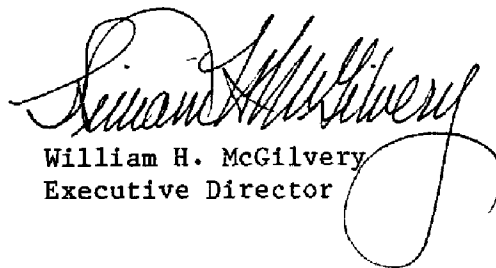
2. That Trailways Commuter Transit, Inc., is hereby directed, no later than 30 days from the service date of this order to (a) identify its vehicles in accordance with Commission regulations pertaining to identification of vehicles operated by carriers holding temporary authority and to file an affidavit to that effect; (b) file three copies of its WMATC Temporary Tariff No. AP-91-04; (c) file evidence of ownership or lease, as appropriate, for all vehicles to be used in revenue operations; and (d) file a certificate of insurance in conformance with Commission Regulation No. 62 as revised and renumbered Commission Regulation No. 58 (see Order No. 3600, served January 17, 1991).

3. That the Executive Director shall notify Trailways Commuter Transit, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire August 14, 1991, unless otherwise ordered by the Commission.

5. That unless Trailways Commuter Transit, Inc., complies with the requirements of this order within 30 days from date of service or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director